

REMARKS

REQUIREMENT FOR INFORMATION

As requested in the Office Communication dated December 4, 2008, this communication accompanied by an Information Disclosure Statement providing product literature relating to the following test strips:

Glucometer Elite, manufactured by Bayer Corp.

Glucometer Dex, manufactured by Bayer Corp.

ACCU-CHEK Comfort Curve, manufactured by Roche Diagnostics, Corp.

As noted during a telephonic interview with Examiner Noguerola on February 3, 2009, certain documents requested by the Office referred to in *Roche's Final Invalidity Contentions of the '745 and '551 Patents as of 6/18/07* have been filed under seal and are not available for submission to the U.S. Patent and Trademark Office. However, the Applicants hereby submit Kuhn et al, which is cited on page 12 of *Roche's Final Invalidity Contentions* as "providing the structure of the ACCU-CHEK Comfort Curve test strip" and has not been filed under seal, thereby making it available for submission to the U.S. Patent and Trademark Office.

CONCLUSION

If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ADCI-048CON6.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: February 4, 2009

By: /Edward J. Baba, Reg. No. 52,581/
Edward J. Baba
Registration No. 52,581

Enclosure(s): Information Disclosure Statement

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\ADCI\048CON6\Communication re Req for Information.doc